IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6712 of 2005

Between:

J. Venkateshwara Rao, S/o. J. Kanakaiah, Inspector of Customs,
13-6-250/3/12/13, Haridas Nagar, Kulusumpura Post, Hyderabad - 500 067.

..... PETITIONER

AND

1 The Commissioner of Customs and Central Excise, Hyderabad - I,
Commissionerate, LB Stadium Road, Basheerabagh, Hyderabad - 500 004.
2 The Joint Commissioner of Customs and Central Excise (P&V) Hyderabad - I,
Commissionerate, LB Stadium Road, Basheerabagh, Hyderabad - 500 004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ particularly one in the nature of Writ of Mandamus and direct the respondents to fix the date of hearing any time after four weeks from the date of the order by this Court and further be pleased to expunge the observations of the Tribunal as regards the fixing of date of hearing.

Counsel for the Petitioner:MR.P.V.RAVINDRA KUMAR

Counsel for the Respondent No.: MR.A.RAJASHEKAR REDDY (ASSTANT SOLICITOR GENERAL.)

The Court at the admission stage made the following :

O R D E R: (PER GB.J)

1) This writ petition is filed challenging the order passed by the Tribunal to a very limited extent.

2) The grievance of the petitioner is that though the department has not fixed the

dated of hearing as 30.03.2005, but, however, the Tribunal has proceed with the matter as if the departmental enquiry was posted to 30.03.2005 and if the matter is posted to 30.03.2005, he will not be in a position to engage an Advocate as the Advocates are expressing their inability to represent his case in such a short period.

3) After hearing the learned counsel for both the parties, we make it clear that if the enquiry is scheduled to be held on 30.03.2005, it may be adjourned by 10 days and appropriate notice shall be issued to the petitioner calling upon him to attend the enquiry. In respect of other issues, there is no change. The enquiry shall be proceeded with, as per the directions granted by the Tribunal.

4) The writ petition is accordingly disposed of. No order as to costs.

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G.BIKSHAPATHY.J.,

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P.S.NARAYANA.J.,

Dt.29.03.2005

tjs

To

1. The Commissioner of Customs and Central Excise, Hyderabad - I, Commissionerate, LB Stadium Road, Basheerabagh, Hyderabad - 500 004.
2. The Joint Commissioner of Customs and Central Excise (P&V) Hyderabad - I, Commissionerate, LB Stadium Road, Basheerabagh, Hyderabad - 500 004.

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